

REMARKS

Claims 21-40 have been examined with none having been allowed. Applicant does not agree with the Examiner's contention that the invention described in the previously examined claims is disclosed or suggested by the prior art references cited in the Official Action. In particular, the cited references do not teach or suggest a medical "pre-admission" system in which the patient's personal identification information and medical insurance information are read from a personal data device and transmitted to the medical treatment facility in advance of the arrival of the patient at the medical treatment facility to facilitate admission of the patient for treatment at the facility. Applicant respectfully submits that the rejection of the previously examined claims is based on impermissible hindsight rather than the teaching of the prior art references.

Nevertheless, to further prosecution of the present application, and without prejudice to Applicant's contentions as mentioned above further explained below, Applicant has amended the claims to further clarify the patentable distinctions of the claimed invention. Specifically, claim 22 has been amended to recite that the medical treatment facility computer is configured to determine approved medical procedures based on medical insurance coverage information for the patient and prepare an admission report including the personal identification information and the medical insurance information prior to the person's arrival at the medical treatment facility to facilitate admission of the associated person for treatment at the medical treatment facility." The medical insurance coverage information can be read directly from the patient's portable data device, as recited in amended claim 27, or obtained from a remote computer using the medical insurance information read from the portable data

Serial No.:09/892,184  
Attorney Docket No.:4L01.1-012  
PATENT

device, as recited in amended claim 28. Explicit support for these amendments can be found at page 12, line 24 through page 13, line 7. The medical treatment facility may also approve the patient for admission and transmit an approval response to the mobile data management system prior to the arrival of the patient at the medical treatment facility, as recited in amended claim 29. See the present application at page 15, lines 8-22. Corresponding amendments have been entered into the other independent claims and certain dependent claims, as appropriate.

None of the references of record, alone or in combination, disclose or suggest a system for using a portable data storage device carried by the patient, a mobile data management system, and a medical treatment facility computer to ascertain "approved medical procedures" or "medical coverage information" prior to the arrival of the patient at the hospital to facilitate the hospital admission process, as defined by the amended claims. Applicant therefore submits that the references of record cannot form the basis of a *prima facie* case of obviousness because each and every element of the claimed invention is not shown or suggested in at least one of the references. MPEP § 2143.03.

In addition, Applicant respectfully traverses the "Official Notice" taken on page 17-18 of the Official Action with respect to claim 39. Although Applicant acknowledges that a medical treatment facility may ascertain information about a patient's medical insurance coverage in the conventional hospital admission process, that observation does not affect the patentability of the claimed invention. The purpose of the invention is to improve over the conventional hospital admission process by providing a system for reading medical insurance information from a personal data device carried by the patient, transmitting the medical insurance information to the medical treatment facility,

Serial No.:09/892,184  
Attorney Docket No.:4L01.1-012  
PATENT

and ascertaining the patient's medical insurance coverage prior to the arrival of the patient at the medical treatment facility. This is not the mere computerization of a previously performed operation, but accomplishes a new result and advantage that is not accomplished in the conventional hospital admission process. That new result and advantage includes the "pre-admission" process, whereby the patient's medical insurance coverage information and approved medical procedures are ascertained prior to the arrival of the patient at the hospital. This speeds the hospital admission process, which is a potentially life saving advantage in the context of emergency medical treatment, and accomplishes other benefits, such as enabling an insurance qualified pre-admission process to make sure that the patient is transported to a hospital that has approved the patient for admission in consideration of the patient's medical insurance coverage. No prior art system achieved this beneficial result, which is certainly not accomplished by "clip board at the sliding glass window" conventional hospital admission process. Applicant therefore submits that the "Official Notice" taken in the Official Action serves to highlight the need for the present invention, but in no way detracts from its patentability.

Applicant also traverses the contention in the Official Action that Holtzman in combination with Ziejewski and Experton suggest a hospital "pre-admission" system in which the patient's personal identification information and medical insurance information are read from a personal data device and transmitted to the medical treatment facility in advance of the arrival of the patient at the medical treatment facility to facilitate admission of the patient for treatment at the facility. Although the Official Action admits the Holtzman reference does not disclose the advance transmission of

Serial No.:09/892,184  
Attorney Docket No.:4L01.1-012  
PATENT

medical insurance information to facilitate the hospital admission process, the Official Action contends that Experton discloses the retrieval of medical insurance coverage information from a computer system, and Ziejewski provides a motivation to combine Holtzman and Experton to provide a "quick and accurate assessment of various accident scenarios." See Official Action at pp. 6-7.

The rejection is based on an incorrect logical assertion, however, because the motivation allegedly provided by Ziejewski to obtain a "quick and accurate assessment of various accident scenarios" does not motivate the transmission of "medical insurance information," which is not useful in assessing the accident scenarios. Rather, the transmission of the "medical insurance information" is motivated by the desire to speed the hospital admission process and ensure that the patient is eligible for medical insurance coverage for the medical treatment to be administered at the facility, which is not disclosed or suggested in any of the cited references. In fact, none of the references discloses or suggests the need to ascertain a patient's medical insurance information prior to the arrival of the patient at the medical treatment facility to facilitate the hospital admission process. As a result, the examination decision expressed in the Official Action is based on impermissible hindsight rather than the alleged motivation provided by the cited reference.

Applicant further points out that the Official Action admits that Holtzman does not disclose the preparation of a "hospital admission report" but nonetheless contends that the information transmitted to the medical treatment facility is the kind of information "that would be put into the hospital admission report" and further maintains that transmission of this information facilitates admission of the patient to the medical

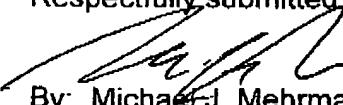
Serial No.:09/892,184  
Attorney Docket No.:4L01.1-012  
PATENT

treatment facility, although Holtzman does not itself state or suggest that this information is included in a hospital admission form or used to facilitate the admission process. See Official Action at pp. 4, 19. Applicant submits that here again the Official Action has relied on impermissible hindsight rather than the teaching of the Holtzman reference in the examination process. Holtzman makes no mention the advance transmission of medical insurance information in the hospital admission process, or the use of the forwarded medical insurance information to facilitate the hospital admission process. The Examiner has gleaned these element of the claimed invention from Applicant's invention rather than the prior art references. Applicant therefore reiterates that Holtzman alone or in combination with the other references of record cannot form the basis of a *prima facie* case of obviousness because each and every element of the claimed invention is not shown or suggested in at least one of the references. MPEP § 2143.03.

#### CONCLUSION

It is believed that the claims are now in condition for allowance. If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call Mike Mehrman at (404) 497-7400.

Respectfully submitted,

  
By: Michael J. Mehrman  
Reg. No. 40,086

Mehrman Law Office, P.C.  
5605 Glenridge Drive, Suite 795  
Atlanta, GA 30342  
telephone: 404 497 7400

Mar.27. 2007 10:24AM MEHRMAN LAW OFFICE

No.0457 P. 8/15

Serial No.:09/892,184  
Attorney Docket No.:4L01.1-012  
**PATENT**

facsimile: 404 497 7405  
[mike@mehrmanlaw.com](mailto:mike@mehrmanlaw.com)